

IN THE DRAWINGS

Figure 4 is amended to replace "40" with "410". Formal drawings and a replacement sheet of Figure are included herewith.

REMARKS

This responds to the Office Action dated June 20, 2005, and the references cited therewith.

Claims 1, 5, 7, 10, 11, 13, and 15-18 are amended, claim 24 is added, and claims 6 and 21-23 are cancelled without prejudice or disclaimer; as a result, claims 1-5, 7-20, and 24 are now pending in this application.

§112 Rejection of the Claims

Claims 6-7, 10 and 15-16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The subject matter of claim 6 has been added to claim 1 and rewritten to overcome the § 112 rejection. Claims 10 and 16 have been amended as suggested by the Examiner. Claim 15 has been rewritten. Reconsideration and allowance is respectfully requested.

§102 Rejection of the Claims

Claims 1, 9 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Vachon (U.S. Patent No. 5,861,023).

Claims 1 and 9

Claim 1 has been rewritten to include the subject matter of allowable claim 6. Claim 9 depends from claim 1. Reconsideration and allowance is respectfully requested.

Claim 17

Claim 17 has been amended to better describe the subject matter recited in the claim. Applicant believes claim 17 is not anticipated by the cited reference since the reference does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited reference a titanium microsphere outer surface coating on at least a portion of the electrode, as recited in claim 17. Reconsideration and allowance is respectfully requested.

§103 Rejection of the Claims

Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Vachon (U.S. Patent No. 5,861,023) in view of MacGregor (U.S. Patent No. 4,280,514).

Claim 5 depends from amended claim 1. Reconsideration and allowance is respectfully requested. Notwithstanding, Applicant reserves the right to traverse the present obvious rejection in any continuation or divisional application.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Vachon in view of Alt et al., (U.S. Patent 6,370,427).

Claim 10 depends from amended claim 1. Reconsideration and allowance is respectfully requested. Notwithstanding, Applicant reserves the right to traverse the present obvious rejection in any continuation or divisional application.

Claims 1, 5, 11-12, and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang et al., (U.S. Patent 6,574,512), and in view of Mar et al., (U.S. Patent 5,411,544).

Applicant disagrees with certain characterizations of the Zhang et al. and Mar et al. references made on page 6 of the Office Action. However, to expedite the issuance of the present application, Applicant has amended the independent claims as noted below. Applicant reserves the right to traverse the characterizations in any continuation or divisional application.

Claims 1 and 5

Claim 1 has been rewritten to include the subject matter of allowable claim 6. Claim 5 depends from claim 1. Reconsideration and allowance is respectfully requested.

Claims 11-12 and 14-16

Claim 11 has been rewritten to include the subject matter of allowable claim 13. Claims 12 and 14-16 depend from claim 11. Reconsideration and allowance is respectfully requested.

Claim 17

Claim 17 has been amended to better describe the subject matter recited in the claim. Applicant believes claim 17 is not obvious in view of the cited references since, even if combined, the combination does not include each limitation recited in the claim. For instance, Applicant cannot find in the cited references a titanium microsphere outer surface coating on at least a portion of the electrode, as recited in claim 17. Reconsideration and allowance is respectfully requested.

Claim 15 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Zhang and Mar as applied to claim 11, and further in view of Vachon, (U.S. Patent 5,861,023).

Claim 15 depends from amended, allowable claim 11. Reconsideration and allowance is respectfully requested. Notwithstanding, Applicant reserves the right to traverse the present obvious rejection in any continuation or divisional application.

Claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Vachon (U.S. Patent No. 5,861,023) as applied to claim 17 above, and further in view of Zhang et al. (U.S. Patent No. 6,574,512).

Applicant believes claim 18 is not obvious in view of the cited references since, even if combined, the combination does not include each limitation recited in the parent claim 17. For instance, Applicant cannot find in the cited references a titanium microsphere outer surface coating on at least a portion of the electrode, as recited in claim 17. Reconsideration and allowance is respectfully requested.

Allowable Subject Matter

Claims 6-7 and 13 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claim 1 to include the subject matter of claim 6, and claim 6 has been cancelled. Applicant has rewritten claim 11 to include the subject matter of claim 13.

Claims 2-4 and 8

Claims 2-4 and 8 were withdrawn from consideration in the Office Action. Claims 2-4 and 8 depend from a patentable base claim. Pursuant to 37 CFR 1.141, Applicant respectfully requests reconsideration and allowance of claims 2-4 and 8.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 359-3267 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of September, 2005.

Paula Suchy
Name

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Signature